

Senate Concurrent Resolution 5 - Introduced

SENATE CONCURRENT RESOLUTION NO. 5

BY CHAPMAN

1 A Concurrent Resolution encouraging the United States
2 Congress to provide flexibility to the states
3 in determining visitation practices in nursing
4 facilities.

5 WHEREAS, older people, people with disabilities,
6 and people in congregate settings are particularly
7 vulnerable to and at higher risk for contracting
8 communicable diseases, including COVID-19; and

9 WHEREAS, the COVID-19 pandemic has had a
10 disproportionate impact on all long-term care
11 facilities accounting for 36 percent of the COVID-19
12 deaths in the United States; and

13 WHEREAS, even before the COVID-19 pandemic,
14 infection prevention and control deficiencies were the
15 most common type of deficiency cited in one or more
16 years for nursing facilities surveyed between 2013 and
17 2017; and

18 WHEREAS, based on this history, the Centers for
19 Medicare and Medicaid of the United States Department
20 of Health and Human Services (CMS) issued guidance in
21 March 2020 to reduce the spread of COVID-19 in nursing
22 facilities including strictly limiting visitation,
23 suspending communal dining and group activities for
24 residents, screening residents daily for fever and
25 other COVID-19 symptoms, screening anyone entering the
26 building for COVID-19 symptoms, observing flexible
27 leave policies for staff members, and requiring all
28 staff to wear masks; and

1 WHEREAS, in September 2020, CMS issued updated
2 guidance urging nursing facilities that are not
3 actively battling COVID-19 outbreaks to welcome
4 visitors under less restrictive conditions; and

5 WHEREAS, while it is important for the health
6 and safety of all residents that nursing facilities
7 may still restrict visitation due to the COVID-19
8 county positivity rate, the facility's COVID-19
9 status, a resident's COVID-19 status, visitor COVID-19
10 symptoms, lack of adherence to proper infection control
11 practices, or other relevant factors related to the
12 COVID-19 pandemic; a nursing facility may now not
13 restrict visitation without a reasonable clinical or
14 safety cause; and

15 WHEREAS, residents' rights and protections under
16 federal and state law include being treated with
17 dignity and respect; being free from abuse, neglect,
18 and discrimination; having friends and family visit and
19 participate in their care; taking part in activities;
20 making complaints without fear of punishment; receiving
21 proper medical care; and notifying a doctor, family
22 member, or legal representative of changes in a
23 resident's condition or treatment; and

24 WHEREAS, any visitation restrictions must balance
25 resident and staff safety with quality of life; and

26 WHEREAS, physical separation from family and other
27 loved ones has taken a physical and emotional toll on
28 residents, with residents feeling socially isolated,
29 leading to increased risk for depression, anxiety, and
30 other expressions of distress; and

1 WHEREAS, residents living with cognitive impairment
2 or other disabilities may find visitor restrictions and
3 other ongoing changes related to COVID-19 confusing or
4 upsetting; and

5 WHEREAS, residents derive value from the physical,
6 emotional, and spiritual support they receive through
7 visitation from family and friends; and

8 WHEREAS, while nursing facilities are regulated by
9 the federal government, state surveyors provide the
10 day-to-day, ongoing inspection and oversight on behalf
11 of the federal government necessary to deem a nursing
12 facility compliant with federal and state laws and
13 regulations; and

14 WHEREAS, such established state-based oversight has
15 forged strong professional relationships and lines of
16 communication between state regulatory entities and
17 nursing facilities; and

18 WHEREAS, while required core infection control
19 and safety principles and best practices must be
20 maintained, with over 430 nursing facilities in the
21 state located in both rural and urban areas, variation
22 in each nursing facility's structure, staffing,
23 supplies, resident population, and residents' needs
24 should be considered in addressing residents' rights
25 and protections, including visitation policies; and

26 WHEREAS, each state should be allowed the
27 flexibility to develop reasonable ways for nursing
28 facilities within the state to safely facilitate
29 in-person visitation to address the psychosocial needs
30 of residents; and

1 WHEREAS, states are in a better position to provide
2 ongoing, hands-on guidance to nursing facilities
3 located within the state; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
5 REPRESENTATIVES CONCURRING, That the Iowa General
6 Assembly urges the Congress of the United States to
7 approve legislation to allow states flexibility in
8 determining visitation parameters that balance the
9 rights of residents with necessary safety precautions
10 that ensure the health and safety of all residents and
11 the general public.